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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/987,322 | 11/14/2001 | John R. Webster | 84561 | 6882 |

20736 7590 12/15/2004
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WASHINGTON, DC 20036-3307

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| EXAMINER |
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KYLE, MICHAEL J

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| ART UNIT | PAPER NUMBER |
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3676

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,322

Applicant(s)

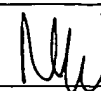
WEBSTER, JOHN R.

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following issues must be corrected:

a) Claim 1 recites that the second seal means is “arranged and positioned to provide a seal between said non-rotating structure and the first seal land positioned in a lower pressure zone”. From this, it is unclear which one of the first seal land (48 or 50) and the second seal means (68) is positioned in a lower pressure zone. Examiner believes the second seal means are being referred to with this limitation. However, the second seal means (64, 66, 68) appear to only be *exposed to* rather than positioned in a lower pressure zone.

b) It is unclear from claim 1 if the “lower pressure zone” is the same as the “low pressure zone” and “second chamber” described on pages 5 and 6 of the specification, and also claimed in claim 1. All terminology in the claims should be consistent with the terminology in the specification, and within the claims.

c) Claim 1 recites that a portion of the connecting means, one of the first and second seal lands, and the non-rotating structure, define a first chamber. The specification describes the first chamber as a high pressure zone 60 (pages 5, line 30, to page 6 line 5). However, from figure 2, it appears as though the first chamber, or high pressure zone 60, is defined by second seal means

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64, 66, 68, the non-rotating structure 52, and one of the magnetic rings, or seal lands 50. It appears the connecting means 54 is not exposed to the high-pressure zone/first chamber 60.

Examiner notes that figure 2 is the only figure that pertains to the elected species.

d) Claim 1 recites "the second chamber" in the second line of the second paragraph. This should be changed to --a second chamber--, as such a chamber has not been previously provided in the claims.

3. Claims 2-7, 26, and 27, depend from rejected claim 1 and include all of the limitations of claim 1. Therefore, these claims are also rejected.

Allowable Subject Matter

4. Indication of allowable subject matter is being withheld until the 112 2nd paragraph rejections above are overcome.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Claim 1 is now rejected under 35 U.S.C. 112 2nd paragraph for discrepancies and inconsistencies with the specification and drawings. It is also noted that the status of claims 8-25 is listed improperly. While the examiner appreciates the clarifying remarks by applicant's representative, the status of these claims should be presented simply as "Claims 8-25 (Canceled)", to conform with the practices of the U.S. Patent and Trademark Office.

Conclusion

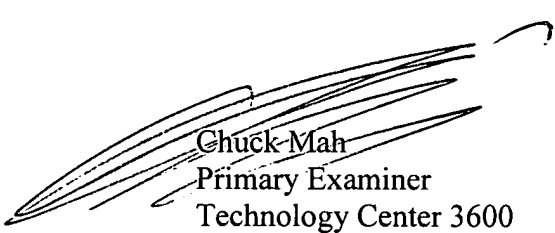
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



Chuck Mah
Primary Examiner
Technology Center 3600